

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ALBERT WALKER,)
)
Petitioner,)
)
v.) No. 4:13CV2422 HEA
)
CINDY GRIFFITH,)
)
Respondent,)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Motion for Relief From a Final Judgment [Doc. No. 59]. The Motion is brought pursuant to Rule 60 (b)(5) and (6). For the reasons set forth below, the Motion is denied.

On May 2, 2017, the Court entered its Opinion, Memorandum and Order denying Plaintiff's request to alter or amend its order and judgment relating to his Motion to Vacate Sentence pursuant to 28 U.S.C §2254.

Rule 60 (b) (5) permits a court to relieve a party or its legal representative from a final judgment, order, or proceeding for limited reasons. Relief may be afforded where the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable. Rule 60(b) (6) provides for relief for “any other reason that

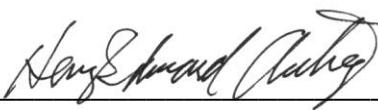
justifies relief”.

In his Motion, Plaintiff attempts to persuade the Court to grant relief from its findings which led to the conclusion that this Court must deny the relief he sought under 28 U.S.C §2254. Petitioner has presented nothing new, nor has he pointed the Court to any circumstance from the record or otherwise to cause the court to grant the relief now sought. Petitioner has not articulated any arguments or facts that would even facially compel relief pursuant to Rule 60(b). Instead he has reiterated the same arguments which were the basis of his original Motion. The Court articulated its reasoning in finding that Petitioner was not entitled habeas relief. Nothing has changed, nor should the Opinion, Memorandum and Order in this matter be altered or amended or the order rejecting his attempts under Rule 59(e).

Accordingly,

IT IS HEREBY ORDERED that the Motion for Relief From Final Judgment, [Doc. No.59] is **DENIED**.

Dated this 30th day of August, 2017.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE